

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15091 of Patricia Rice Press, pursuant to to 11 DCMR 3107.2, for a variance from the off-street parking requirements (Sub-section 2101.1) for a four-unit apartment building in a D/R-5-B District at premises 1700 Swann Street, N.W., (Square 152, Lot 126).

HEARING DATES: September 13 and November 8, 1989
DECISION DATE: November 8, 1989

FINDINGS OF FACT:

1. The application appeared on the preliminary agenda of the public hearing of September 13, 1989 due to the applicant's failure to submit an affidavit evidencing proper posting of the property as required by Sub-section 3317.7. The applicant testified that the property was not properly posted. The Chairperson ruled that the application be rescheduled for the public hearing of November 8, 1989 to allow the applicant an opportunity to properly post the property and submit an affidavit demonstrating compliance with the posting requirement.

2. The application appeared on the preliminary agenda of the public hearing of November 8, 1989. The affidavit of posting submitted by the applicant indicated that the property was posted seven days prior to the public hearing instead of fifteen days as required by the Rules. The applicant testified that the property was posted in excess of the fifteen days required but that the affidavit was incorrectly filled out. The Chair ruled that the case be heard as scheduled.

3. The property is located on the south side of Swann Street west of New Hampshire Avenue and is known as premises 1700 Swann Street, N.W. It is zoned D/R-5-B.

4. The site is triangular in shape with a frontage of 39 feet along Swann Street and a depth of 125 feet on the west and 175 feet on the east side of the lot.

5. The area surrounding the subject site is generally zoned R-5-B and D/R-5-B and is predominantly residential in character with some conversions to apartment and office uses.

6. The property is currently improved with a four-story plus basement row dwelling. The property was used as a rooming house prior to acquisition by the applicant in the mid-1970's. Subsequent to purchase, the applicant converted the building to a four-unit apartment house, with one apartment unit per floor.

7. The D/R-5-B District permits apartment use as a matter-of-right, with the provision of one parking space for each two dwelling units. No parking is provided on-site. The subject premises, constructed prior to the adoption of the 1958 Zoning Regulations, has a parking credit of one parking space. The applicant is therefore required to provide one additional parking space for the proposed four-unit apartment building.

8. The applicant testified that on-site parking cannot be provided on the subject site for the following reasons:

- a. The property is landlocked and has no available means of access to the rear yard.
- b. The existing structure occupies most of the lot.
- c. The irregular shape of the lot and the mass of the existing building result in a very small, triangular rear yard which could not accommodate a parking space even if vehicular access was possible.

9. The applicant testified that the proposed use would not have an adverse impact on the area as evidenced by its history of use as a multi-family dwelling; the site is well-served by public transportation; and no exterior modifications are proposed in keeping with the Dupont Circle Historic District goals and objections.

10. The Office of Planning (OP), by memorandum dated August 21, 1989, recommended approval of the application. The OP was of the opinion that the requested variance is minor and not likely to impact the surrounding area adversely.

11. The Department of Public Works (DPW), by memorandum dated November 1, 1989, was of the opinion that the proposal would have little impact on the transportation system in the area. The DPW noted that it is physically impossible to provide on-site parking on the subject site. The DPW further noted that, while on-street parking in the area is limited, the site is convenient to Metrobus routes and the Dupont Circle Metrorail Station.

12. Advisory Neighborhood Commission (ANC) 1C, by letter dated September 7, 1989, opposed the granting of the application based on the lack of support from area residents. The ANC report failed to identify specific issues and concerns relative to the case as required by 11 DCMR 3307.1(e).

13. There was no additional opposition to the granting of the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of an exceptional or extraordinary condition inherent in the property which creates a practical difficulty for the owner and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board concludes that the applicant has met the requisite burden of proof.

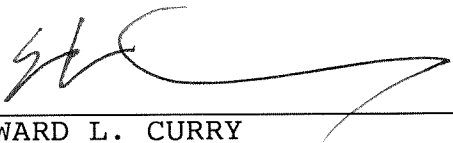
The Board concludes that the property is affected by an exceptional or extraordinary condition by virtue of its size, shape, lack of alley access, and the existing structure which pre-dates the Zoning Regulations. The Board further concludes that the proposal will not have an adverse impact on the area based on its history of multi-family use, the fact that the proposed use is permitted as a matter-of-right in the D/R-5-B zone district, and the convenient proximity of the site to public transportation.

Accordingly, it is hereby **ORDERED** that the application is **GRANTED**.

VOTE: 4-0 (Lloyd D. Smith, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 14 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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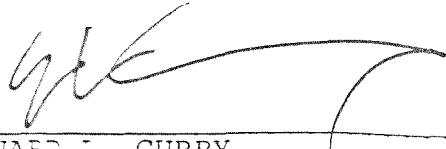


APPLICATION/APPEAL NO. 15091

As Executive Director of the Board of Zoning Adjustment Adjustment, I hereby certify and attest to the fact that a copy of the Order in this application/appeal dated MAY 14 1991 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Patricia Rice Press
#18 Logan Circle, N.W.
Wash, D.C. 20005

Grace Malakoff, Chairperson
ANC 1C
2409 18th Street, N.W.
Wash, D.C. 20009


EDWARD L. CURRY
Executive Director

DATE: MAY 14 1991